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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/509,474

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Coen Adrianus Verschuren

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BRIARCLIFF MANOR, NY 10510

EXAMINER

GOMA, TAWFIK A

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/509,474 | VERSCHUREN, COEN ADRIANUS | |
| | Examiner | Art Unit | |
| | TAWFIK GOMA | 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 7-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The preliminary amendment filed on 8/10/2004 is acknowledged.

Priority

This application is a 371 of PCT /IB03/010065, filed on March 14, 2003.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d) or (f). The certified copy of the priority documents have been received in this National Stage Application from the International Bureau (PC Rule 17.2 (a)).

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/02/2005 has been considered by the examiner. However, no corresponding 1449 was attached to the IDS.

Drawings

The drawings are objected to because every circuit block in figure 1 must be properly labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 6, 16 and 18 are rejected under 35 U.S.C. 102(e) as being unpatentable over Awano (US 6477118).

Regarding claim 1, Awano discloses a method of controlling a copy window during read-out of a magneto-optical recording medium (col. 20 lines 35-67 thru col. 21 lines 1-34) comprising a storage layer and a read-out layer (6, 13, 15, fig. 7), wherein an expanded domain leading to a pulse in a reading signal is generated in said read-out layer by copying a mark region from said storage layer to said read-out layer upon heating by a radiation power and with the help of an external magnetic field (col. 20 lines 35-52), said method comprising the steps of deriving a switching time of said external magnetic field from said reading pulse (col. 17 lines 17-27 and 131, 39, fig. 2); determining a shift in the timing of said reading pulse; and controlling the size of said copy window based on said determined timing shift (39, fig. 2, col. 17 lines 57-65 and col. 17 lines 17-22).

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Regarding claim 5, Awano further disclose wherein said copy window size is controlled by changing the radiation power and/or external magnetic field (col. 21 lines 60-67), used for said read-out.

Regarding claim 6, Awano discloses controlling the magnetic field intensity and timing using a magnetic field coil (col. 21 lines 60-67). Awano inherently discloses this adjustment is made by changing a coil current since adjusting an induced magnetic field produced from a coil is inherently controlled by the current which passes through the coils.

Regarding claim 16, apparatus claim 16 is to the apparatus corresponding to the method of using same as claimed in claim 1. Therefore, apparatus claim 16 corresponds to method claim 1, and is rejected for the same reasons of anticipation as applied above.

Regarding claim 18, Awano further discloses wherein said apparatus is a disk player for MAMMOS disks (col. 19 lines 43-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awano (US 6477118).

Regarding claim 4, Awano fails to disclose where the time shift is obtained by an averaging operation. Official Notice is taken with respect to the use of an averaging operation

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in calculating a time shift value. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use an averaging value to determine the time shift in Awano. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to use an averaging operation in order to compensate for potential aberrations in the time shift values which are detected.

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awano (US 6477118) in view of Hamada et al (US 6977879).

Regarding claim 17, Awano fails to disclose wherein the determination means comprises a timer means for counting the time shift. In the same field of endeavor, Hamada discloses providing a timer means for counting a time shift (col. 12 lines 36-67). It would have been obvious to one of ordinary skill in the art at time of the applicant's invention to use a timer as taught by Hamada in order to count the time shift in Awano. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have used a timer to count the time shift as it would have been the application of a known method in a similar device ready for improvement which would yield predictable results.

Allowable Subject Matter

Claims 2-3 and 7-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohta et al (US 5579294) discloses a magneto-optical medium and a method of using

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a laser power and a magnetic field strength to control the temperature of a transfer area for transferring information from a recording layer to a read-out layer. Kamoto et al (US 5712836) discloses the use of a DC free modulation code to adjust the clock in a magneto-optical device. Kobayashi (US 6687194) discloses the use of a predetermined correction rule for a magnetic field or a laser power which is a function of write-strategy, recording zone, or area on a disc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAWFIK GOMA whose telephone number is (571)272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

/Tawfik Goma/
Examiner, Art Unit 2627

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